

INVESTIGATION summary



Investigation Reports

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Approval of a forest development plan near a provincial park

Complaint Investigation 950026

Summary Report

FPB/IRC/05S

December 1996

This summary is an overview of a complaint investigation concluded by the Forest Practices Board in December, 1996. Investigation of public complaints is a primary responsibility of the Board under the Forest Practices Code of British Columbia Act. The names of the complainant and the subjects of the complaint are not disclosed in this summary to protect the privacy of the individuals involved.

The Complaint

On November 2, 1995, the Board received a complaint from an organization about the submission and approval of a forest development plan (FDP) near a provincial park in the Lower Mainland. The complaint involved three cutblocks. Concerns were raised about the clearcutting of areas adjacent to a stream, inaccurate engineering and ecological information, and removal of large trees near a wetland. The complainant also asserted that the Ministry of Forests relied on an inadequate recreational inventory and that neither the Ministry of Forests nor the licensee referred the FDP to BC Parks for review.

The complainant requested several remedies to address the complaint. These remedies included a request for the Board to seek an administrative review of the decision to approve the FDP. The complainant also sought remedies from government. The requested remedies were intended to protect the streamside areas, evaluate and reconsider the recreational and visual impacts of cutblocks, and refer future FDPs near provincial park boundaries to BC Parks for review.

The complaint identified the Ministry of Forests and one licensee as parties to the complaint.

The Board's Decision to Investigate

The request for an administrative review was withdrawn before the Board made the decision to investigate.

On December 19, 1995, the Board decided that the complaint must be investigated. On two cutblocks, the Board decided to delay an investigation to allow the participants an opportunity to resolve their differences during the process of preparing the silviculture prescription.

The Investigation

As a result of a discussions between the Board and the participants over a 12 month period, the scope of the investigation narrowed. During this period, other events and actions occurred that helped to resolve portions of the complaint.

- The complainant asked to drop a portion of the complaint regarding one of the cutblocks in which the trees had been felled in the autumn of 1995.
- Board staff monitored the progress during preparation of the silviculture prescription. Staff involvement often helped to restart a stalled process of problem resolution between the participants.
- At the prompting of the Ministry of Forests, the licensee referred the forest development plan to BC Parks who requested that harvesting not occur in the remaining two cutblocks until recommendations were made by a Protected Area Committee. On October 28, 1996, the Lower Mainland Protected Area Strategy was announced which resolved the complaint issues with one of the remaining cutblocks. This cutblock is within a proposed protected area.

Part of the remaining cutblock is also within the proposed protected area and was removed from the plan. The only remaining issue was the management of the area adjacent to a non-fish bearing stream.

Board's Decision

The Board decided to stop investigating the complaint for the following reasons:

- the one remaining issue regarding the protection of the area adjacent to the stream can still be resolved through existing administrative remedies under the Forest Practices Code. A silviculture prescription has yet to be approved for the one remaining cutblock of concern and the Board encourages the complainant, the licensee and the Ministry of Forests to continue discussions about this silviculture prescription;
- the complaint issues had evolved over the investigation period; and
- considerable progress had been made, and continued to be made, by all participants to address the original complaint issues.

The Board has advised the complainant of its decision to conclude the investigation and sent copies of the closing letter to the two subjects of the investigation.

Complaint Status

104-04394/

Closed

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